

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KRZYSZTOF WOLINSKI,

Plaintiff,

v.

M. COLVIN, et al.,

Defendants.

Case No. [17-cv-00583-SI](#)

**ORDER GRANTING REQUEST TO
DISREGARD AMENDED COMPLAINT**

Re: Dkt. No. 24

On June 8, 2017, the court dismissed the complaint with leave to amend. (Docket No. 18.) On October 10, 2017, the court extended the deadline for plaintiff to file his amended complaint to December 8, 2017, and cautioned that “[t]his deadline will not be further extended because, by the time it arrives, plaintiff will have had six months to prepare an amended complaint in which he is only being asked to describe the facts that show his entitlement to relief.” (Docket No. 22.)

On October 12, 2017, plaintiff filed an amended complaint. (Docket No. 23.) A week later, plaintiff filed a request for the court to disregard that amended complaint, so that he could file a second amended complaint. (Docket No. 24.) Plaintiff’s request is GRANTED. (Docket No. 24.) The amended complaint (Docket No. 23) is STRICKEN. Plaintiff must file a second amended complaint no later than **December 8, 2017**. This deadline will not be further extended.¹

¹ The court is concerned about the numerous delays caused by plaintiff in this action already, as it seems to reflect a litigation pattern for plaintiff. This action was commenced in January 2016 in Monterey County Superior Court, but defendants were not served until January 2017. (See Docket No. 1 at 1.) After defendants removed the action to federal court in early February 2017, plaintiff promptly informed this court that he wanted to object to the removal, but then took almost four months to file a motion to remand the action to state court. (See Docket Nos. 10 and 11.) Plaintiff also took almost five months to file his amended complaint, which he now asks the court to disregard. (See Docket Nos. 18 and 23.) Dockets in other cases reflect similar delaying activity by plaintiff occurred in other cases. Perhaps the most notable were the 20+ requests for extensions

1 Failure to file the second amended complaint by the deadline will result in the dismissal of this
2 action.

3 **IT IS SO ORDERED.**

4 Dated: October 30, 2017



SUSAN ILLSTON
United States District Judge

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26 of deadlines in his habeas action, *Wolinski v. McDonald*, C D. Cal. Case No. 2:11-cv-8649 JFW,
27 and six requests for extensions of time to request a certificate of appealability in the Ninth Circuit,
28 *see Wolinski v. McDonald*, Ninth Cir. No. 16-55077 (Jan. 30, 2017 order). In another civil rights
action, *Wolinski v. McNary*, C. D. Cal. Case No. 2:10-cv-4349 JFW, plaintiff was still trying to
amend his complaint for more than two years after filing the action, before voluntarily dismissing
the action.